

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KOLBY L. KRISTIANSEN,

Defendant.

No. 4:22 MJ 7160 SPM

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, Lisa M. Yemm, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As for its grounds for detention, the government requests this Court to consider the following factors pursuant to Title 18, United States Code, Section 3142.

Presumption of Detention

1. The defendant is charged with an offense for which the maximum term of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), possession with the intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1). See 18 U.S.C. § 3142(e)(3)(A) and (f)(1)(C).

2. This offense with which the defendant is charged triggers a rebuttable presumption of detention pursuant to Title 18, United States Code, Section 3142(e)(3)(A). There are no

conditions or combination of conditions which will reasonably assure the appearance of the defendant as required, and the safety of any other person and the community.

3. Title 18, United States Code, Section 3142(g) requires this Court to consider the nature and characteristics of the offense charged. The defendant is charged with possessing with the intent to distribute more than 500 grams of a mixture or substance containing methamphetamine, for which he is facing a mandatory minimum sentence of 10 years. Specifically, investigators recovered methamphetamine with a gross weight of over 450 pounds, which defendant was trafficking while on supervised release to this Court.

The Weight of the Evidence Against the Defendant

4. Section 3142(g)(2) requires this Court to consider the weight of the evidence against the defendant. The government submits that the evidence against the defendant is strong. As described in the affidavit in support of the criminal complaint, investigators completed a controlled buy during which they observed defendant go to his storage locker to retrieve methamphetamine; two days later, they searched that storage locker and found hundreds of pounds of methamphetamine.

The History and Characteristics of the Defendant

5. This Court should consider the defendant's past conduct, including his history relating to drug or alcohol abuse, and criminal history. *See* 18 U.S.C. § 3142(g)(2)(A). Defendant is currently on federal supervised release for distribution of crystal methamphetamine in Case No.

4:14 CR 313 ERW, in the Eastern District of Missouri, in which KRISTIANSEN received 120 months imprisonment and 48 months of supervised release (release date 04-14-2026).

The Nature and Seriousness of the Danger to the Community

6. Defendant was found in possession of hundreds of pounds of methamphetamine, which he was in the process of distributing into the community, while on federal supervised release. His conduct was extremely serious and harmful.

Risk of Flight

7. There is a serious risk that the defendant will flee because he is facing a significant prison sentence in this case, based on the severity of the current charge and his supervised release status.

Conclusion

9. The government submits that when considering all of the factors outlined in Title 18, United States Code, § 3142(g), the factors weigh heavily in favor of detention. There is clear and convincing evidence that no condition or combination of conditions that will reasonably assure the safety of any other person and the community.

WHEREFORE, the Government requests this Court to order defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Lisa M. Yemm
LISA M. YEMM, #64601MO
Assistant United States Attorney